

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

1.71 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND CITY OF
ROMA, ET AL.,

Defendants.

[illegible]

CASE NO. 7:08-CV-207

ADVISORY

Plaintiff, United States of America (“United States”), through the undersigned Assistant United States Attorney, files this Advisory and informs the Court as follows:

1. On July 1, 2008, the United States filed its Declaration of Taking and a Complaint in Condemnation (Docket Nos. 2 & 1) to acquire a fee simple interest for the subject property located in Starr County, Texas.

2. On July 22, 2008, the United States deposited into the Registry of the Court its estimated just compensation in the amount of \$12,000.00 (Docket No. 4). The United States amended its Complaint and Declaration of Taking on March 3, 2017 (Docket Nos. 36 & 37) and April 27, 2017 (Docket Nos. 47 & 48).

3. On August 17, 2021, the United States filed its Motion to Sever Tracts RGV-RGC-1066, RGV-RGC-1070, RGV-RGC-1071, RGV-RGC-1072, RGV-RGC-1073, RGV-RGC-1074, RGV-RGC-1075, RGV-RGC-1093, RGV-RGC-1094, RGV-RGC-1090 and RGV-RGC-1095 into separate proceedings within existing civil number 7:08-CV-207 (Docket No. 149). Named

Defendants (a) 0.172 acres of land, more or less, situated in Starr County, State of Texas, (b) Maria Cecilia Benavides, and Noel P. Benavides, Jr. were requested to remain in the original case number 7:08-CV-207.

4. On August 25, 2021, the United States filed its Motion to Stay condemnation proceedings to allow for a determination on future guidance as to how the border wall project will proceed with regard to the aforementioned individual tracts.

5. As discussed in Plaintiff's Motion to Sever (Docket No. 149) and Motion to Stay (Docket No. 150), the United States was analyzing whether the particular tracts taken are in a position to be revested.

6. On September 10, 2021, the Court granted Plaintiff's Motion to Sever (Docket No. 151). As the Court has now granted Plaintiff's Motion to Sever (Docket No. 149 and 151), the United States is now examining each respective tract individually to determine whether revestment is a possibility for each.

7. Currently, a Motions Hearing is scheduled to take place this Friday, September 17, 2021 however, should the Court grant Plaintiff's Motion to Stay (Docket No. 150), the United States anticipates it would be in a position to provide a Status Report to the Court within thirty (30) days as to each tract's revestment possibility or any outstanding issues that may otherwise arise.

Respectfully submitted,

JENNIFER B. LOWERY
Acting United States Attorney
Southern District of Texas

By: *s/ Hilda M. Garcia Concepcion*
HILDA M. GARCIA CONCEPCION
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CERTIFICATE OF SERVICE

I, Hilda M. Garcia Concepcion, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on this 15 day of September, 2021, a copy of the foregoing was served via the District ECF system on all counsel of record and via regular mail to all parties in claim.

By: *s/ Hilda M. Garcia Concepcion*
HILDA M. GARCIA CONCEPCION
Assistant United States Attorney